

(Translation)

Beijing, 30 March 2006

The Honorable Condoleezza Rice
Secretary of State
The US Department of State
Washington, DC
USA

Dear Dr. Rice,

I am writing to you concerning the unwarranted lawsuit filed by Falun Gong against Chinese Commerce Minister Bo Xilai at the District Court for the District of Columbia, and I wish to draw your attention to the following:

1. On 22 April 2004, Minister Bo Xilai, who was visiting the United States as guest of the US Government, was assaulted by an individual sent by Falun Gong, which put the Minister's personal safety in great jeopardy. Neither Minister Bo himself nor his aids touched the object the Falun Gong personnel held. They have not received any document from the US court.

2. Both the banning of the Falun Gong cult by the Chinese Government in accordance with China's Constitution and other laws and the discharging of their duties by Chinese government officials in accordance with law are acts of China exercising its sovereign rights. According to international law and universally recognized basic norms governing international relations, these acts are not subject to the jurisdiction of US courts. The same conclusion can be drawn from the *Foreign Sovereign Immunities Act* of 1976 of the United States.

3. Falun Gong is a cult and an anti-China political organization. In filing this frame-up case, Falun Gong attempts to disrupt the growth of China-US relations and normal personnel exchange between the two countries. China and the United States are working to develop a constructive and cooperative relationship in all fields. If Falun Gong should succeed in its frame-up lawsuit, China-US relations, especially our economic and trade ties as well as cooperation between the relevant government departments and personnel exchange, will be adversely

affected. The interest of the United States will also be undermined. This is something neither of us wants to see.

I have learnt that the US District Judge has recently sent a letter on this case to Mr. John Bellinger, Legal Advisor of the US State Department, and expressed the hope that the State Department would give its opinion on the case before 23 April. Legal opinions produced by the US Government have shown to be helpful in resolving such cases. In the interest of proper settlement of this issue that adversely affects our bilateral ties, I hope that you will give your personal attention to this matter and instruct the relevant office of the State Department to promptly provide legal opinion to the court. The legal opinion may include the following: The unwarranted lawsuit filed by Falun Gong undermines China-US relations and interests of the US side. The banning of Falun Gong by the Chinese Government according to law is an "act of state". Minister Bo Xilai enjoys immunity from the jurisdiction of US courts. The US State Department urges the court concerned to immediately stop adjudicating the case and dismiss it. The Chinese side requests that in providing the document of the State Department, the US side should include the diplomatic note of the Chinese side on the case and the *Position of the Government on the Assault and Attempted Frame-up by Falun Gong Against Minister Bo Xilai*.

With best regards,

(Signed) Li Zhaoxing

Minister of Foreign Affairs
People's Republic of China

康多莉扎·赖斯女士
国务卿
美国国务院
哥伦比亚特区 华盛顿
亲爱的赖斯博士：

我谨就“法轮功”在美国哥伦比亚特区联邦地区法院诬告中国商务部薄熙来部长案事向你致函，并愿说明：

一、二〇〇四年四月二十二日，“法轮功”派人袭击作为美国政府客人访美的薄熙来部长，这是一起严重威胁薄部长人身安全的恶性事件。薄部长本人及其随行人员从未接触“法轮功”人员所持物品，也未接到任何美国法院的文书。

二、中国政府根据中国宪法和法律取缔“法轮功”邪教，中国政府公职人员依法履行其职责，是中国行使国家主权的行爲。根据国际法和公认的国际关系基本准则，上述行爲不受美国法院的司法管辖。即使仅考虑美国一九七六年《外国主权豁免法》的规定，也应当得出同样的结论。

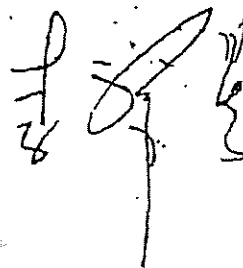
三、“法轮功”是邪教，也是反华政治组织。“法轮功”策划诬告案，目的是干扰中美关系发展和两国正常人员往

来。当前，中美两国致力于全面发展建设性合作关系，如果“法轮功”诬告图谋得逞，将对中美关系，特别是两国经贸关系，包括双方有关机构的合作和人员交流造成严重负面影响，也将损害美方的利益。这是我们双方都不愿看到的。

我注意到，近期美主办法官已就此案致函美国务院法律顾问贝林格，希望美国务院在四月二十三日前对“法轮功”诬告薄熙来部长案提出意见。从以往实践看，美政府就有关案件出具法律意见书，有利于推动案件解决。为妥善解决这一干扰双边关系的问题，希望你关注此事，责成美国务院有关部门尽快向美法院提交法律意见书。意见书内容包括：“法轮功”诬告案影响中美关系，损害美方切实利益；中国政府依法取缔“法轮功”属于“国家行为”；薄熙来部长享有不受美国法院司法管辖的豁免权；美国务院敦促有关法院立即停止审理并撤销此案。中方要求美方在提交国务院文件时，一并提交中方关于此案的外交照会和政府立场。

顺致敬意。

中华人民共和国外交部长



二〇〇六年三月三十日于北京